

Title 16, Division 4. Board of Chiropractic Examiners.

NOTICE IS HEREBY GIVEN that the Board of Chiropractic Examiners (hereafter "Board") is proposing to repeal regulations described in the Informative Digest below. Any person interested may present statements or arguments relevant to the action proposed in writing. Written comments, including those sent by mail, facsimile, or e-mail to the address listed under Contact Person in this Notice, must be received by the Board of Chiropractic Examiners (board) at its office no later than 5:00 p.m. on March 4, 2013.

The Board does not intend to hold a hearing in this matter. If any interested party wishes that a hearing be held, he or she must make the request in writing to the board. The request must be received in the board office no later than 15 days before the close of the written comment period.

The board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by sections 1000-4(b) and 1000-10(a), of the Business and Professions Code (Chiropractic Initiative Act of California Stats. 1923 p. 1xxxviii) and section 1057 of the Business and Professions Code; and to implement, interpret or make specific section 1000-4(b), of the Business and Professions Code (Chiropractic Initiative Act of California Stats. 1923 p. 1xxxviii); section 1054 of the Business and Professions Code (BPC); and section 13409 of the California Corporations Code, the board is considering changes to Title 16, Division 4, of the California Code of Regulations as follows:

INFORMATIVE DIGEST/ POLICY STATEMENT OVERVIEW

This proposal would repeal California Code of Regulations (CCR) section 367.7 - Name of Corporation. Business and Professions Code (BPC) section 1000 – 4(b) (Chiropractic Initiative Act of California Stats. 1923 p. 1xxxviii) authorizes the board to adopt regulations as they may deem proper and necessary for the performance of its work, the effective enforcement and administration of this act, the establishment of educational requirements for license renewal, and the protection of the public. Additionally, CCR section 367.1 allows the Board to amend, modify, revise, supplement, repeal or make other changes by appropriate action in the future to the "Chiropractic Corporation Rules".

CCR section 367.7 cites the requirements for naming a chiropractic corporation almost verbatim to BPC section 1054, but provides an additional limitation with the phrase, "... shall contain **and be restricted to...**". The restriction imposed by this phrase places

stronger limitations on names for chiropractic corporations than for non-corporate chiropractic businesses. The board does not believe that this restriction serves a practical purpose in protecting the public. Further, BPC section 1054 sufficiently prescribes the requirements for creating a chiropractic corporate name and can stand alone without further clarification in regulation.

POLICY STATEMENT OVERVIEW//ANTICIPATED BENEFITS OF PROPOSAL

Repealing this regulatory section will provide chiropractic corporations with similar business name requirements as their non-corporate competitors and will provide consistency for the board's licensing unit in the performance of its work in reviewing and approving business names.

CONSISTENCY AND COMPATIBILITY WITH EXISTING STATE REGULATIONS

The Board has evaluated this regulatory proposal and it is not inconsistent nor incompatible with existing state regulations.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None

Nondiscretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Cost to Any Local Agency or School District for which Government Code Sections 17630 Require Reimbursement: None

Business Impact:

The Board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

AND

The following studies/relevant data were relied upon in making the above determination:
None

Cost Impact on Representative Private Person or Business:

The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effect on Housing Costs: None

EFFECT ON SMALL BUSINESS

The Board has determined that this regulatory proposal would not affect small businesses because this proposal repeals a duplicative and more restrictive section in regulation regarding the selection of a chiropractic corporation name. This proposal will only affect those persons applying to the Board of Chiropractic Examiners as a chiropractic corporation and does not impose any additional requirements on licensees or their place of employment.

RESULTS OF ECONOMIC IMPACT ASSESSMENT/ANALYSIS

Impact on Jobs/Businesses:

The Board has determined that this regulatory proposal will not have any impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Benefits of Regulation:

This regulatory proposal would benefit the board by streamlining the licensing requirements for naming a chiropractic corporation for consistency with non-corporate chiropractic businesses and eliminate duplication within the law.

CONSIDERATION OF ALTERNATIVES

The Board must determine that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action described in this Notice, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

Any interested person may present statements in writing relevant to the above determinations to the address provided above.

INITIAL STATEMENT OF REASONS AND INFORMATION

The Board has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations, the initial statement of reasons, and all the information, upon which the proposal is based, may be obtained upon written request from:

Dixie Van Allen, Program Analyst

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Sacramento, California 95833
(916) 263-5329
Fax (916) 263-5369
dixie.vanallen@CHIRO.ca.gov

**AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND
RULEMAKING FILE**

All the information upon which the proposed regulations are based is contained in the rulemaking file that is available for public inspection by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below or by accessing the web site, **www.chiro.ca.gov**.

CONTACT PERSON

Inquiries concerning the proposed administrative action may be directed to:

Name: Dixie Van Allen, Program Analyst
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The backup contact person is:

Name: Robert Puleo
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Web Site Address: Materials regarding this proposal can be found at www.chiro.ca.gov.